

FCC MAIL SECTION
Federal Communications Commission

DA 97-1488

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Implementation of the Pay Telephone)
Reclassification and Compensation)
Provisions of the Telecommunications)
Act of 1996)

CC Docket No. 96-128

ORDER**Adopted:** July 14, 1997**Released:** July 14, 1997

By the Chief, Policy and Program Planning Division:

1. On July 10, 1997, the American Public Communications Council ("APCC") and the Inmate Calling Service Providers Coalition ("ICSPC") filed a motion¹ seeking leave to file consolidated replies to oppositions to their applications for review of the Common Carrier Bureau's April 15, 1997, orders approving comparably efficient interconnection ("CEI") plans for basic payphone services filed by Bell Atlantic Telephone Companies, BellSouth Corporation, NYNEX Telephone Companies, Pacific Bell and Nevada Bell, Southwestern Bell Telephone Company, and US WEST, Inc., (collectively, Bell Operating Companies or the BOCs).² APCC

¹ Motion of the American Public Communications Council and the Inmate Calling Services Providers Coalition to Extend Page Limit for Consolidated Reply (filed July 10, 1997) ("Motion").

² See *Ameritech's Plan to Provide Comparably Efficient Interconnection to Providers of Pay Telephone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-790 (Com. Car. Bur. rel. April 15, 1997); *Bell Atlantic Telephone Companies' Comparably Efficient Interconnection Plan for the Provision of Basic Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-791 (Com. Car. Bur. rel. April 15, 1997); *BellSouth Corporation's Offer of Comparably Efficient Interconnection to Payphone Service Providers; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-792 (Com. Car. Bur. rel. April 15, 1997); *The NYNEX Telephone Companies' Offer of Comparably Efficient Interconnection to Payphone Service Providers; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-793 (Com. Car. Bur. rel. April 15, 1997); *Pacific Bell and Nevada Bell Comparably Efficient Interconnection Plan for the Provision of Basic Telephone Service; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-794 (Com. Car. Bur. rel. April 15, 1997); *Southwestern Bell Telephone Company's Comparably Efficient Interconnection Plan for the Provision of Basic Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, Order, DA 97-795 (Com. Car. Bur. rel. April 15, 1997); *U S WEST's*

and ICSPC also seek to extend the page limit for each consolidated reply to a maximum of 15 pages.³ APCC and ICSPC filed their motion pursuant to section 1.41 of the Commission's rules.⁴

2. On May 14, 1997, we issued an Order granting a prior APCC and ICSPC motion requesting leave to file consolidated applications for review addressing all seven CEI Orders.⁵ APCC and ICSPC filed such applications for review on May 15, 1997. The BOCs filed oppositions to those applications for review. In their instant motion, APCC and ICSPC propose that they each file a single reply addressing those oppositions.⁶ APCC and ICSPC state that our *May 14 Order* found that the *CEI Orders* raise common legal issues that would most efficiently be addressed in a consolidated fashion and that factual variations among those Orders warranted an extension of the page limit for applications for review from 25 to 50 pages.⁷ APCC and ICSPC also state that, because of those factual variations, they cannot adequately address the oppositions to their applications for review if their respective consolidated replies are limited to five pages.⁸ APCC and ICSPC state further that "[i]n no event will either party require more than 15 pages for its individual reply supporting its application for review of the *CEI Orders*."⁹

3. As our *May 14 Order* found, the *CEI Orders* raise common legal issues that would most efficiently be addressed in a consolidated fashion. Thus, granting APCC and ICSP leave to file consolidated applications for review of the CEI Orders will eliminate the need for duplicative pleadings, and conserve Commission resources. Although we do not routinely grant extensions of the page limits for pleadings filed with the Commission,¹⁰ the factual variations among the seven *CEI Orders* that we recognized in our *May 14 Order* may make it impossible for the parties to address adequately the factual issues related to each of the seven CEI plans if

Comparably Efficient Interconnection Plan for Payphone Services; Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Order, DA 97-796 (Com. Car. Bur. rel. April 15, 1997) (collectively "*CEI Orders*").

³ Section 1.115(f)(1) of the Commission's rules provides that replies to oppositions to applications for review shall not exceed five double-spaced typewritten pages. 47 C.F.R. § 1.115(f)(1).

⁴ Motion at 1 (citing 47 C.F.R. § 1.41).

⁵ *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-128, DA 97-1024, Order (Chief, Policy and Program Planning Div. rel. May 14, 1997) (*May 14 Order*).

⁶ Id. at 3.

⁷ Id.

⁸ Id.

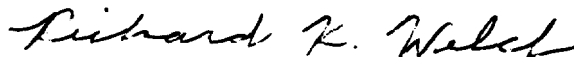
⁹ Id.

¹⁰ See 47 C.F.R. § 1.48(b).

their consolidated replies are limited to five pages. Accordingly, we believe it is appropriate to grant APPC's and ISSPC's request to extend the page limit for each parties' consolidated reply to a maximum of 15 pages.

4. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, that the motion of the American Public Communications Council and the Inmate Calling Services Providers Coalition to consolidate replies and to extend the page limit for consolidated replies IS GRANTED.

Federal Communications Commission



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Chief
Policy and Program Planning Division
Common Carrier Bureau